

# **California Victim Compensation and Government Claims Board**

## **Open Meeting Minutes**

**October 23, 2008, Board Meeting**

The California Victim Compensation and Government Claims Board convened its meeting in open session at the call of Rosario Marin, Secretary, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, October 23, 2008, at 10:06 a.m. Also present was Board member Les Kleinberg, Deputy Controller, acting for and in the absence of John Chiang, Controller. Board member Michael Ramos, San Bernardino County District Attorney, was absent.

Board staff present included Julie Nauman, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; and Garry Ness, Chief Counsel. Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

### **Item 1. Minutes of the September 18, 2008, Board Meeting**

The Board voted to adopt the minutes of the September 18, 2008, Board meeting.

### **Item 2. Public Comment**

The Board opened the meeting for public comment. No public comment was offered.

### **Item 3. Executive Officer's Statement**

The Executive Officer gave the following report:

- In recognition of Governor Arnold Schwarzenegger's proclamation of October as California Domestic Violence Awareness Month, the VCGCB is highlighting resources available to domestic violence victims. The VCGCB teamed with the State and Consumer Services Agency on a press release featuring information on how the Victim Compensation Program, the Secretary of State's Safe at Home mail forwarding service, and local resources can help victims of domestic violence. The VCGCB published an information sheet titled "Relocation, Housing and Shelter Resources for Victims of Domestic Violence and Other Violent Crimes" in both English and Spanish. The publication explains relocation benefits, lists state and local resources, and provides safety tips for domestic violence victims. The VCGCB is also participating in a number of domestic violence awareness events.
- The VCGCB is undertaking a comprehensive review of the Victim Compensation Program regulations. The proposed revisions include technical clarifications, substantive suggestions for improvement, and codifying the Board's interpretation of program statutes. The VCGCB is reaching out to our stakeholders and other interested parties to obtain input. An informal review will culminate with two workshops, one in Los Angeles on November 5 and the second in Sacramento on November 7. Interested parties are invited to ask questions and provide comment on the proposed changes.
- The CaRES automated claims management has proved that it is capable of taking over the claims processing duties from its predecessor. CaRES has helped the program process volumes of applicants that were significantly higher than the prior year. CaRES' capabilities also contributed to increased payouts to victims. It is now time to focus on making some key enhancements to CaRES which will allow the VCGCB to provide even better and more responsive service to victims. Communicating effectively with claimants is essential for good customer service. In order to accomplish this, we plan to improve the system's ability to manage correspondence with applicants. Another priority will be to add features to CaRES' recently introduced Criminal Disposition Tracking System. The additional features will give the Criminal Restitution Specialists in the counties an enhanced array of information further facilitating their work in requesting restitution from criminal offenders. These revenues are returned to the Restitution Fund which is a key funding source for compensation paid to victims of violent crime.

- The California State Employees Charitable Campaign (CSECC) began in September. Governor Schwarzenegger is the Campaign and this year's theme is "Reaching for the Stars." The CSECC is the only authorized workplace charitable fundraising campaign for state employees. Last year \$8.7 million was raised through donations from 51,000 employees. This year's goal is to raise \$10 million. The campaign kickoff and cake auction on October 1 was a great success with staff contributing 62 cakes, which raised \$1,259.00.

#### **Executive Officer Update to the Board**

October 9<sup>th</sup>, VCGCB staff met with representatives from the Department of Personnel Administration/Benefits Division to discuss third-party vendor travel claims and dental benefit deductions, two issues that have been brought before the Board numerous times. With regard to Third-Party Vendor Travel Claims, DPA's policy requires that employees using third-party vendors, for example, Expedia or Travelocity, provide receipts documenting travel expenses from the lodging establishment as well as other receipts. It is an industry-wide practice for lodging establishments not to provide such receipts, leaving employees unable to furnish the documentation that is required by DPA. DPA's policy is based upon the direction of State Controller's Office (SCO) on how to ensure California state government complies with IRS Accountable Plans rules for employers. Given the widespread use of third-party vendors for travel arrangements, DPA has agreed to meet with the Tax Support Section at the SCO to determine if the IRS position, or SCO's interpretation of the rules, has changed in any way. It may be possible for employees to provide other documentation such as bank and credit statements, to support travel expenses claimed and get approval at the department level, rather than resorting to the Government Claims process. Jackie Tinetti, Government Claims Program Manager, will attend the Supervisor's Forum to discuss the Government Claims Program and explain when employees should and should not use that mechanism to resolve employer/employee issues. The other item discussed was Dental benefit deductions. Dental benefit deductions for dependent children are mandated to stop at age 23. Employees are required to report these changes on the form provided for this purpose to their Human Resources/Personnel Office. DPA policy limits retroactive refund of any deductions taken in excess to 6 months, consistent with CalPERS medical benefit deduction policy. These policies are based on Collective Bargaining contract language which requires that dental and medical benefit deductions be treated the same. Where employees have taken the timely and proper action to stop Dental benefit deductions but the State erred in not processing the transaction, DPA agrees that a Government Claim is an appropriate recourse for employees to be reimbursed the entire employee-paid portion of the deductions. It is anticipated that implementation of MyCalPAYS, the new SCO system for human resources management and payroll, will reduce the incidence of these claims within the next 12-24 months. A follow up meeting will be scheduled in two weeks to assess progress on actions items.

The Executive Officer provided the Board with copies of the *Victim Compensation Connection* newsletter and the Spanish version of the Victim Compensation Program brochure.

#### **Item 4. Contract Report**

The Executive Officer presented the Contract Report to the Board.

#### **Item 5. Legislative Update**

Gary Longholm, Deputy Executive Officer of the Legislation and Public Affairs Division, presented the Legislative Update to the Board.

#### **Item 6. Proposed Board Meeting Dates for Calendar Year 2009**

Chairperson Marin and Board Member Les Kleinberg continued the item to the November 20, 2008, Board meeting to provide Board Member Michael Ramos an opportunity to review and vote on the proposed Board meeting dates.

#### **Government Claims Program**

#### **Item 7. Consent Agenda (Nos. 1- 326)**

The Board voted to adopt the staff recommendations for numbers 1-326 with the exception of number 153, G577081, which was removed at the request of the claimant in order to address the Board and number 288, G573842, which was removed from the deny late application portion of the agenda.

#### **Consent Agenda Appearance**

##### **Item Number 153**

The claimant failed to appear. The Board voted to reject the claim.

##### **Item Number 288**

The Board voted to (1) allow the late claim application and (2) reject the claim.

#### **Item 8. Erin Berzins**

##### **Claim Number G571725**

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$3,276.50 to be paid under authority of Government Code section 965 (agency pay).

#### **Item 9. Dalinda Harman**

##### **Claim Number G571951**

Steve Tolle appeared on behalf of the Department of Corrections and Rehabilitation. The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$356.40 to be paid under authority of Government Code section 965 (agency pay).

#### **Item 10. Brian Judy**

##### **Claim Number G572608**

Marlene Sheufelt appeared on behalf of the Department of Parks and Recreation. The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$584.63 to be paid under authority of Government Code section 965 (agency pay).

#### **Item 11. SR Trucking Moving and Storage, Inc.**

##### **Claim Number G574704**

Steve Tolle appeared on behalf of the Department of Corrections and Rehabilitation. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$73,114.14 to be paid under authority of Government Code section 965 (agency pay).

Chairperson Marin stated she would request a meeting with the Receiver to discuss compliance with rules and regulations.

Board Member Les Kleinberg stated the Receiver takes his new role seriously, understands the Board's needs, and will move into the direction the Court has requested.

**Item 12. Wind Dancer Moving Company**  
**Claim Number G575542**

At the request of the claimant and the Department of Water Resources, the claim was removed from the agenda and continued to the November 20, 2008, Board meeting.

**Item 13. Applications for Discharge from Accountability for Collection**

Board voted to approve the staff recommendation.

Board Member Les Kleinberg stated that although the debts are removed from the books, the debt still exists and it is still possible to collect the debt in the future.

Chairperson Marin stated it is important to make government more efficient and effective by having a system in place to collect these debts before the statute of limitations runs out.

**Item 14. Request for Delegation of Authority by the California State University**

The Board voted to adopt the staff recommendation to approve the request.

**Item 15. Per Diem Rates for Members of the State Legislature**  
**Proposed Regulation for Per Diem Rates for Members of the State Legislature**

The Board voted to adopt the staff recommendation to (1) adopt the resolution setting \$173.00 as the per diem rate for Members of the State Legislature effective October 1, 2008, and (2) authorize staff to begin the regulation adoption process that will automatically adjust the legislative per diem rates to those set by the U.S. General Services Administration for federal employees traveling to Sacramento.

Board Member Les Kleinberg stated that the Board's action is ministerial. The Board is required to authorize at least the federal rate and it would be wise to have the rate changed automatically rather than require the Board perform a ministerial task.

Chairperson Marin stated that given the state of our economy, it is unfortunate that the Board is required by law to approve the rate. Chairperson Marin stated the Board is mandated by law to do so and does not have any discretion.

**Item 16. Cecil Fanning**  
**Claim Number G573202**

Michael Farrell appeared on behalf of the Department of Justice, Office of the Attorney General. The Board voted to adopt the staff recommendation to deny the claim.

**Victim Compensation Program**

The Board commenced the Victim Compensation Program portion of the meeting at 11:04 a.m.

### **VCP Statistical Report**

Chip Skinner, Deputy Executive Officer, Victim Compensation Program, presented the Victim Compensation Program quarterly statistical report for the period of July 1, 2008, through September 30, 2008.

Chairperson Marin requested staff research the cause of attorney payments more than doubling this fiscal year as compared to last fiscal year and report back to the Board at the next meeting.

### **Revised Mental Health Service Limitation Policy**

The Board voted to adopt the staff recommendation to (1) approve the revision of the mental health service limitation policy and (2) authorize the Program to file the revision with the Secretary of State along with the new Treatment Plan and Additional Treatment plan forms.

### **In-Home Supportive Services—Attendant Care Rates**

The Board voted to adopt the staff recommendation to (1) approve an increase in the in-home support services care reimbursement rate from \$7.60 to \$10.40 per hour and (2) authorize the Board to file an information copy of the service limitation and maximum rates with the Secretary of State upon adoption by the Board.

Board member Les Kleinberg requested staff notify the Board earlier in the process when another change occurs.

### **Requests for Reconsideration**

#### **Recommendation: Deny (Nos. 1 and 2)**

The Board voted to adopt the staff recommendations.

### **Reconsiderations Following Board Action on a Proposed Decision**

#### **Recommendation: Deny (Nos. 3 and 4)**

The Board voted to adopt the proposed decisions.

### **Proposed Decision Following Failure to Respond (No. 5)**

The Board voted to adopt the proposed decision.

### **Proposed Decisions Following Failure to Appear (Nos. 6-29)**

The Board voted to adopt the proposed decisions.

### **Closed Session**

Pursuant to Government Code section 11126(c)(3), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 11:14 a.m. to deliberate on the proposed decisions, numbers 30 through 56.

The Board reconvened into open session at 11:25 a.m.

## **Open Session**

The Board voted to adopt the proposed decisions for numbers 30 through 56.

## **Adjournment**

The Board meeting adjourned at 11:25 a.m.

Julie Nauman  
Executive Officer

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I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of November 20, 2008, at Sacramento, California.

Date: November 20, 2008

By: \_\_\_\_\_  
Board Liaison (Affix Seal here)